IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 3680 of 2001

Between:

N. Sambaiah, S/o. Ramaswamy, Aged about 43 years, S.D.162, JK-6Incline, Yellendu area, Khammam District.

..... PETITIONER

AND

1. The Singareni Collieries Company Limited, Kothagudem, Khammam District, represented by its Managing Director..

2. The General Manager, M/s. Singareni Collieries Company Limited, Yellendu, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of a Writ of Mandamus declaring that the proceedings Ref.No.YCP/43/3012 dated 28-12-2000 issued by the second respondent are arbitrary, illegal, violative of the principles of natural justice colourable exercise of powers and violative of the Fundamental Rights guaranteed under Article 14 and 21 of the Constitution of India and issue the consequential direction to the respondents not to give the effect to the same and refund the penal rent deducted from the petitioner's salary and pass

Counsel for the Petitioner: MR.G.MANOHAR

Counsel for the Respondent s: MR.K.SRINIVASA MURTHY

The Court made the following :

ORAL ORDER:

Heard learned counsel appearing for both the parties.

Learned counsel appearing for the petitioner submits that the subject matter of the writ petition is squarely covered by the judgment of this Court in WP No.1478 of 2001, dated 27-10-2003. Against the similar order in question passed by 2nd respondents herein on 28-12-2000, the similarly situated persons filed the above said writ petition and this Court while setting aside the said order on the ground that the reason for coming to the conclusion that the petitioner is ineligible for regularisation is not communicated to the petitioner and therefore the respondents are, however, at liberty to take a decision *de novo*, so however, that the reasons for the decision shall be communicated to the petitioner.

Following the aforesaid judgment, this writ petition is allowed in terms of the judgment in W.P.No.1478 of 2001 dated 27-10-2003.. No order as to costs.

V. ESWARAIAH, J

Dt.16-9-2004

Kvrk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief justice on this Thursday the Sixteenth day of September Two thousand and four.

Asst. Registrar

To

1. The Managing Director , The Singareni Collieries Company Limited, Kothagudem, Khammam District,..

2. The General Manager, M/s. Singareni Collieries Company Limited, Yellendu, Khammam District.

3. Two CD copies.